

JURISDICTION:

General Reference:

Basis for a Speed Law Violation:

Basic Speed Rule:

Statutory Speed Limit:  
See Other below.

Posted (Maximum) Speed Limit:

Basis for a Speed Law Violation:  
(continued)

**NEW JERSEY**

This chapter summarizes New Jersey State statutes related to speed.  
New Jersey Statutes Annotated and New Jersey Administrative Code (NJAC)

A person shall drive a vehicle at an appropriate reduced rate of speed when special hazard exist with respect to pedestrians or other traffic or by reason of weather or highway condition.<sup>1</sup> Required reduced rates of speed also includes (1) approaching and crossing an intersection or railway grade crossing, (2) approaching and going around a curve, (3) approaching a hill crease and (4) traveling upon any narrow or winding roadway. 39:4-98 ( 3)

I. 65 MPH on selected portions of State eligible public highways<sup>2</sup> as determined by the State Commissioner of Transportation in consultation with the State attorney general, the N.J. Highway Authority and the N.J. Transportation Authority 39:4-98.4 & 39:4-98.5

II. It is *prima facie* unlawful for a person to exceed the following speed limits. 39:4-98

1) 55 MPH on all other highways 39:4-98 ( 1)

2) 35 MPH in suburban business or residential district 39:4-98 ( 1)

3) 25 MPH in a (non-suburban) business or residential district 39:4-98 ( 1)

4) 25 MPH either when passing through a school zone during recess, while children are visible from the highway or when children are either going to or leaving a school during opening and closing hours. 39:4-98 ( 1)

I. Based on engineering and traffic investigations, the State Commissioner of Transportation on State highways or local governments on highways under their jurisdiction, may increase or decrease the above speed limits. These new limits will be the *prima facie* lawful speed limits.<sup>3</sup> 39:4-8(b) & 39:4-98 ( 2)

II. The State Highway Commissioner or a local government on highways under their jurisdiction may designate the right-hand lanes of

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I. On highways under the jurisdiction of the South Jersey Transportation, New Jersey Turnpike or the New Jersey Highway Authorities, a person shall operate a vehicle at a safe and prudent speed, having due regard to the rights and safety of others and to the traffic, surface and width of the highway and any other conditions then existing. A person shall not operate a vehicle at a speed so as to endanger life, limb or property. 27:12B-18(c), 27:23-27 & 27:25A-21(c) II. On highways under the jurisdiction of the State of New York and New Jersey, persons shall not operate a vehicle at a speed so as to endanger unreasonably or to be likely to endanger unreasonably persons or property. 32:1-154.3 & 32:1-154.18(2)

An eligible public highway is a public highway which includes public roads, streets, expressways, freeways, parkways, motorways and boulevards, including bridges, overpasses, underpasses, interchanges.... 27:1B-3(l) Public highways, under the jurisdiction of either counties or municipalities, are not eligible for the 65 MPH limit. 39:4-98.4 ( 3)

<sup>3</sup>Via an emergency order, the State Commissioner of Transportation may establish speed limits for up to 60 days on any public highway based on emergent conditions such as construction work, dangerous conditions, extreme congestion or traffic problems, imminent peril or imminent risk to motorists or to the public safety. 39:4-98.9

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Posted (Maximum) Speed Limit: (continued)

traffic for slow moving vehicles and inside lanes for traffic moving at the designated speed. 39:4-88(d)

III. The South Jersey Transportation, New Jersey Turnpike and the New Jersey Highway Authorities may establish speed limits on the highways under their respective jurisdictions. 27:12B-18(c) & (e), 27:23-27 ( 1) and 27:25A-21(c) & (e)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. 27:12B-18(d), 27:23-27 ( 2), 27:25A-21(d) & 39:4-97.1

II. When driving on the inside lane of a highway which has been designated for the use of traffic proceeding at the posted speed limit, a person shall drive at approximately the speed authorized and shall not decrease their speed so as to unnecessarily block, hinder or retard traffic. 39:4-88(d)

Posted (Minimum) Speed Limit:

Other:

I. The State Commissioner of Transportation may restrict the maximum speed for trucks weighing  $\geq 10,000$  lbs. on highways with maximum speed limits  $\geq 50$  MPH. However, such reduced limit can only be 5 MPH below the normal speed limit. 39:4-98.1

II. A person shall not operate a motor vehicle  $> 4$  MPH across a sidewalk. 39:4-100

### Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Petty Offenses. 27:12B-18(j), 27:23-32, 27:25A-21(j), 39:4-104 & 39:4-203 and *State v. Schreiber*, 585 A.2d 945 (N.J. 1991)

Other:

On highways under the jurisdiction of the South Jersey Transportation or the New Jersey Highway Authorities, a speeding offense that results in either death, serious injury or property damage  $> \$5,000$  is respectively a crime of the third degree or a high misdemeanor. 27:12B-18(k) & 27:25A-21(k) See Miscellaneous Sanctions below.

### Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,  
Etc.):

Not more than **15 days**<sup>4</sup> 39:4-104 & 39:4-203

Mandatory Minimum Term:

**None**

Fine:

Amount (\$ Range):

**\$50 to \$200**<sup>4</sup> 39:4-104 & 39:4-203

Mandatory Min. Fine (\$):

**None**

### Sanctions Following an Adjudication of a Speed Law Violation: (continued)

Other Penalties:

The following sanctions appear to apply for speeding on highways under the jurisdiction of the Port Authority of New York and New Jersey such as to end: sonably or to be likely to endanger unreasonably persons or property: Imprisonment for not more than **60 days** and/or a fine of not more than **\$500**. 32:1-154.154.21

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Traffic School: Driver Improvement Program with a **\$100** fee 39:5-30.2, 39:5-30.4 & 39:5-30.9 and NJAC 13:19-10.2(b)

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Term of License Withdrawal

(Days, Months, Years, etc.):

**Suspension** via a Point System<sup>5</sup> 39:5-30.5 et seq.

**Suspension** via a Point System-**30 to 180 days** 39:5-30.8  
However, if a person has had 3 suspensions within 3 years, discretionary **suspension for up to 3 months.** 39:5-30b

Mandatory Minimum Term of Withdrawal:

**None** Attendance at a Driver Improvement Program<sup>5</sup> may be used in lieu of all or part of a suspension. 39:5-30.2 & NJAC 13:19-10.2(b)

Miscellaneous Sanctions

Not Included Elsewhere:

I. **Construction Zone.** The fine amount is **double** for a violation committed in an area of highway construction or repair. 39:4-203.5(b)

II. **Double Fines.** (1) On a public highway with a speed limit of 65 MPH, the fine is **double** the usual amount if a person operates a motor vehicle  $\geq 10$  MPH over this limit. 39:4-98.6 (2) The fine amount is **double** for exceeding ANY *prima facie* speed limit by  $\geq 20$  MPH. 39:4-98.7

III. **Crime of the Third Degree/High Misdemeanor.** The sanctions for these offenses are an imprisonment from **3 to 5 years** and/or a fines of not more than **\$15,000.** 2C:43-1(b), 2C:43-3(b) & 2C:43-6(a)(3)

IV. **One dollar** (\$1) is add to any fine for the Body Armor Replacement Fund and **\$1** is also added for the N.J. Spinal Cord Research Fund. 39:5-41(d) & (e)

### Other Criminal Actions Related to Speeding:

Racing on Highway:

Petty Offense 39:4-52 & *State v. Schreiber*, 585 A.2d 945 (N.J. 1991) or Disorderly Person Offense 39:5C-1 Note: The law provides for two separate provisions related to racing on the highway.

Sanctions:

**Point System.** I. For the indicated point accumulations in a period of 2 years or less, the following suspension periods apply: 12 to 15 points-30 days suspension; 16 to 18 points-60 days suspension; 19 to 21 points-90 days suspension; 22 to 24 points-120 days suspension; 25 to 27 points-150 days suspension; and  $\geq 28$  points-180 days suspension. For the indicated point accumulations in a period greater than 2 years, the following suspension periods apply: 15 to 18 points-30 days suspension; 19 to 21 points-60 days suspension; 23 to 26 points-90 days suspension; 27 to 30 points-120 days suspension; 31 to 35 points-150 days suspension; and  $\geq 36$  points-180 days suspension. 39:5-30.8 & NJAC 13:19-10.2(a) II. The following points have been assigned to speeding and speed related violations: Racing on highway-5 points; reckless driving-2 points; careless driving-2 points; slow speed blocking traffic or not maintaining the proper speed in a designed traffic lane-2 points; exceeding speed limit  $\geq 1$  but  $\leq 14$  MPH-2 points; exceeding speed limit  $\geq 15$  but  $\leq 29$  MPH-4 points; and, exceeding speed limit  $\geq 30$ -5 points. NJAC 13:19-10.1

**Alternative Licensing and Possible Registration Action.** A person's license or their vehicle's registration certificate may be suspended or revoked (for an indefinite period of time) under general provisions of the law which allows the State to take such action when a person has violated the traffic laws. 39:5-30 & 39:5-31

**Preliminary Licensing Action.** The State may issue a preliminary (immediate) license suspension without a hearing prior to any final action based on an allegation that a person has been committed either (1) a speeding offense where they exceed the authorized speed limit by 20 MPH, (2) reckless driving or (3) careless driving where the alleged offenses resulted in either a death or a serious bodily injury to another. An aggrieved party may request a timely hearing on such preliminary action. 39:5-31

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### Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Other:

### Reckless Driving:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

### Other Criminal Actions Related to Speeding: (continued)

#### Reckless Driving: (continued)

Administrative Licensing Actions:

Type of Licensing Action

Petty Offense: **None** 39:4-52 Disorderly Person Offense: 1st offense-None Subsequent offense-Not more than **90 days** 39:5C-1

**None**  
For either a Petty Offense or a Disorderly Person Offense: 1st offense-\$25 to \$100 Subsequent offense-\$100 to \$200 39:4-52 & 39:5C-1

**None**

**Suspension** via a Point System<sup>5</sup> 39:5-30.5 et seq.

**Suspension** via a Point System-**30 to 180 days** 39:5-30.8  
However, if a person has had 3 suspensions within 3 years, discretionary **suspension for up to 3 months**. 39:5-30b

**None** Attendance at a Driver Improvement Program with a **\$100** fee may be used in lieu of all or part of a suspension. 35:5-30.2 & 39:5-30.4 and NJAC 13:19-10.2(b)

I. **Construction Zone.** The fine amount is **double** for racing in an area of highway construction or repair. 39:4-203.5(b)

II. **Double Fines.** For racing on a public highway with a speed limit of 65 MPH, the fine is **double** the usual amount. 39:4-98.6

III. **One dollar** (\$1) is add to any fine for the Body Armor Replacement Fund and **\$1** is also added for the N.J. Spinal Cord Research Fund. 39:5-41(d) & (e)

I. Petty Offense 27:12B-18(b) & (j), 27:23-26, 27:23-32, 27:25A-21(b) & (j) and 39:4-96 & *State v. Schreiber*, 585 A.2d 945 (N.J. 1991)

II. On highways under the jurisdiction of the South Jersey Transportation or the New Jersey Highway Authorities, a reckless driving offense that results in either death, serious injury or property damage >\$5,000 is respectively a crime of the third degree or a high misdemeanor. 27:12B-18(k) & 27:25A-21(k) See Other below.

1st offense-Not more than **60 days** Subsequent offense-Not more than **3 months** 39:4-96

**None**

1st offense-\$50 to \$200 Subsequent offense-\$100 to \$500 39:4-96

**None**

(Susp/Rev):  
Length of Term of License  
Withdrawal Action:

**Suspension** via a Point System<sup>5</sup> 39:5-30.5 et seq.

**Suspension** via a Point System-**30 to 180 days** 39:5-30.8  
However, if a person has had 3 suspensions within 3 years,  
discretionary **suspension for up to 3 months.** 39:5-30b

Mandatory Term of License  
Withdrawal Action:

**None** Attendance at a Driver Improvement Program with a **\$100** fee  
may be used in lieu of all or part of a suspension. 39:5-30.2 &  
39:5-30.4 and NJAC 13:19-10.2(b)

Other:

I. **Construction Zone.** The fine amount is **double** if the reckless  
driving offense occurred in an area of highway construction or repair.  
39:4-203.5(b)

II. **Double Fines.** For a person, who commits reckless driving on a  
public highway with a speed limit of 65 MPH, the fine is **double** the  
usual amount. 39:4-98.6

III. **Crime of the Third Degree/High Misdemeanor.** The  
sanctions for these offenses are an imprisonment from **3 to 5 years**  
and/or a fine of not more than **\$15,000.** 2C:43-1(b), 2C:43-3(b) &  
2C:43-6(a)(3)

IV. **One dollar** (\$1) is add to any fine for the Body Armor  
Replacement Fund and **\$1** is also added for the N.J. Spinal Cord  
Research Fund. 39:5-41(d) & (e)

Careless Driving<sup>6</sup>:

I. Petty Offense 27:12B-18(b) & (j), 27:32-26, 27:32-32, 27:25A-  
21(b) & (j), 32:1-154.3, 32:1-154.9, 32:154.16, 32:154.18(2),  
32:154.19 & 39:4-97 and *State v. Schreiber*, 585 A.2d 945 (N.J.  
1991)

II. On highways under the jurisdiction of the South Jersey  
Transportation or the New Jersey Highway Authorities, a careless  
driving offense that results in either death, serious injury or property  
damage >\$5,000 is respectively a crime of the third degree or a high  
misdemeanor. 27:12B-18(k) & 27:25A-21(k) See Other below.

Sanction:  
Criminal:  
Imprisonment (Term):  
Mandatory Minimum Term  
of Imprisonment:  
Fine (\$ Range):  
Mandatory Minimum Fine:

Not more than **15 days** 39:4-104

**None**

**\$50 to \$200** 39:4-104

**None**

Administrative Licensing Actions:  
Type of Licensing Action  
(Susp/Rev):

**Suspension** via a Point System<sup>5</sup> 39:5-30.5 et seq.

Other Criminal Actions Related to Speeding:  
(continued)

Careless Driving: (continued)

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Careless driving" is defined as operating "a vehicle carelessly, or without due caution and circumspection, in a manner so as to endanger, or be likely to endanger, a p  
roperty." 39:4-97

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Length of term of License

Withdrawal Action:

**Suspension** via a Point System-**30 to 180 days** 39:5-30.8  
However, if a person has had 3 suspensions within 3 years, discretionary **suspension for up to 3 months.** 39:5-30b

Mandatory Term of License

Withdrawal Action:

**None** Attendance at a Driver Improvement Program with a **\$100** fee may be used in lieu of all or part of a suspension. 39:5-30.2 & 39:5-30.4 and NJAC 13:19-10.2(b)

Other:

I. **Construction Zone.** The fine amount is **double** if the careless driving offense occurred in an area of highway construction or repair. 39:4-203.5(b)  
II. **Double Fines.** For a person, who commits careless driving on a public highway with a speed limit of 65 MPH, the fine is **double** the usual amount. 39:4-98.6  
III. **Crime of the Third Degree/High Misdemeanor.** The sanctions for these offenses are an imprisonment from **3 to 5 years** and/or a fine of not more than **\$15,000.** 2C:43-1(b), 2C:43-3(b) & 2C:43-6(a)(3)  
IV. **One dollar** (\$1) is add to any fine for the Body Armor Replacement Fund and **\$1** is also added for the N.J. Spinal Cord Research Fund. 39:5-41(d) & (e)

### Commercial Motor Vehicle (CMV) Operators<sup>7</sup>:

Grounds for Suspension:

A person's privilege to operate a CMV is suspended if while driving such a vehicle they either (1) commit 2 "serious traffic violations"<sup>8</sup> within a 3 year period or (2) commit 3 such violations within a 3 year period. 39:3-10.20(f)

Period of Suspension:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-**120 days** 39:3-10.20(f)

Period of Mandatory Suspension:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** 39:3-10.20(f)

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<sup>7</sup> A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of  $\geq 26,001$  lbs., is designed to transport 16 or more persons, is designed to transport  $> 15$  persons if used to transport persons for hire on a daily basis to and from places of employment, or is transporting hazardous materials which requires that the vehicle be operated in accordance with U.S. Department of Transportation regulations. 39:3-10.11

<sup>8</sup> A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. 39:3-10.11